

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5130

September Term, 2019

1:17-cv-02458-TSC

Filed On: June 9, 2020

National Women's Law Center and Labor
Council for Latin American Advancement,

Appellees

v.

Office of Management and Budget, et al.,

Appellants

BEFORE: Srinivasan, Chief Judge, and Rogers and Pillard, Circuit Judges.

ORDER

Following briefing and oral argument on the merits of the appeal, the government moved to dismiss the appeal as moot and to vacate the district court's opinion and orders. Upon consideration of the government's motion, the response thereto, and the government's reply, it is

ORDERED that the government's motion be granted in part and this appeal be dismissed as moot in light of the parties' agreement that the government has substantially complied with the district court's post-judgment orders. It is

FURTHER ORDERED that the case be remanded to the district court with instructions to consider the appellants' request for vacatur as a motion for relief from an order pursuant to Federal Rule of Civil Procedure 60(b). See *U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 29 (1994). The district court is well positioned to assess whether the government has carried its burden to show "equitable entitlement to the extraordinary remedy of vacatur," *id.* at 26, including whether the government's failure to seek a stay pending appeal or take similarly protective measures amounts to an omission that "voluntarily forfeited" any "claim to the equitable remedy of vacatur," *id.* at 25.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing *en banc*. See Fed. R. App. P. 41(b); D.C. Cir. R. 41(a)(1).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk